

REMARKS

Applicants have carefully reviewed the Office Action mailed on December 16, 2008. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, claims 1 and 43 are amended. No new matter is added. Please cancel claims 27-28 and claim 45 without prejudice. Withdrawn claims 29-38 are also canceled without prejudice. Claims 1-5, 8, 10, 12, 14, 17, and 43-44 remain pending.

Claim Rejections Under 35 U.S.C. §102

Claims 1-5, 8, 10, 12, 14, 17, 27, 28, and 43-45 are rejected under 35 U.S.C. §102(b) as being anticipated by Horn et al. in U.S. Patent No. 6,024,752.

Without conceding the merits of the rejection, please note that claims 27-28 and 45 are now cancelled without prejudice, rendering the rejection moot. Applicants reserve the right to pursue these claims or claims of a similar scope in the future.

Regarding claims 1-5, 8, 10, 12, 14, and 17, claim 1 recites that each of the first portion and the second portion varies in thickness. We believe that this limitation distinguishes the claimed invention from the cited art. However, in the interest of furthering prosecution, claim 1 is amended to recite:

1. (currently amended) A medical device, comprising:
a balloon comprising
a first portion having a first length; and
a second portion disposed on a selected portion of the first portion, the second portion having a second length;
wherein ~~each of~~ the first portion varies in thickness along the first length and the second portion varies in thickness along the second length,
wherein the balloon has a body portion and a cone portion and wherein the first portion has a greater thickness at the body portion than at the cone portion.

We believe that these amendments further distinguish the claimed invention from the cited art. For example, the cited art does not appear to teach or suggest a balloon including a first portion that varies in thickness along it (i.e., the first) length and a second portion that varies in thickness along its (i.e., the second) length. Based on this distinction, Applicants

respectfully submit that amended claim 1 is patentable over the cited art. Because claims 2-5, 8, 10, 12, 14, and 17 they are also patentable for the same reasons as claim 1 and because they add significant elements to distinguish them further from the art.

Regarding claims 43-44, claim 43 is amended to recite:

43. (currently amended) A medical balloon, comprising:
a plurality of layers including a first layer formed of a first material and
a second layer formed of a second material different than the first material,
wherein the first layer at least one of the layers varies in thickness
axially along the balloon and includes a first thickness adjacent a waist portion
of the balloon and a second thickness greater than the first thickness adjacent a
body portion of the balloon, and
wherein the second layer varies in thickness axially along the balloon.

For reasons similar to those set forth above in relation to claim 1, Applicants respectfully submit that this amendment distinguishes claim 43, as well as claim 44 depending therefrom, from the cited art.

Conclusion

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

DOUGLAS A. DEVENS, Jr. et al.

By their Attorney,

Date: 2-16-2009



J. Scot Wickhem, Reg. No. 41,376
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349